

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GABRIEL HERRERA, et al.,

Plaintiffs,

-v-

COMME DES GARCONS, LTD., et al.,

Defendants.

CIVIL ACTION NO. 21 Civ. 4929 (VEC) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Pursuant to the telephone conference held today, April 25, 2024 (the “Conference”), the Court orders as follows:

1. By **May 3, 2024**, Plaintiffs shall revise the Third Amended Complaint (ECF No. 114 (the “TAC”)) to remove allegations that (i) Defendants engaged in the intentional destruction of documents, and/or (ii) refer to Defendants’ counsel, and share the revisions with Defendants. By **May 10, 2024**, Defendants shall inform Plaintiffs whether they agree to the revisions, and, if not, the parties shall promptly meet and confer in order to resolve any issues without Court intervention. By **May 17, 2024**, (i) if the parties are in agreement, Plaintiffs shall file the revised TAC as the “Corrected Third Amended Complaint,” or (ii) if the parties are not in agreement, they shall meet and confer and file a joint letter not exceeding three pages describing their disagreement(s). As discussed at the Conference, in exchange for Plaintiffs’ agreement to revise the TAC, Defendants have agreed not to move for

sanctions in connection with the issues raised in their March 7, 2024 letter to Plaintiffs. (See ECF No. 123-7).

2. Plaintiffs' deadline to respond to Defendants' motion to dismiss (ECF No. 127) is EXTENDED to **May 10, 2024**, and Defendants' deadline to reply is EXTENDED to **May 17, 2024**.
3. By **April 29, 2024**, the parties shall order a transcript of the Conference by completing the annexed transcript request form and submitting the request to etranscripts@nysd.uscourts.gov, selecting the "7-Day" option for service.

Dated: New York, New York
April 25, 2024

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge

Request for the production of a transcript from an electronic recording

Send one request per completed form to:

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Transcripts from an electronic record are generated by a Court Approved Transcriber, NOT the Southern District Court Reporters. The transcript will be delivered to your office and you will be invoiced directly by the transcriber. Submission of this form constitutes an agreement to pay for the transcription services described herein. This form should not be submitted for the purpose of obtaining a price estimate.

NOTE: CJA requests require prior approval by submitting an Auth-24 document in the CJA eVoucher System. If granted, the attorney then submits the etranscripts order form (indicate CJA Request). Upon notification from the transcriber, the attorney will create a CJA 24 Voucher in the eVoucher system.

Today's Date: _____

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